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**[EXEMPT FROM FILING FEES
PURSUANT TO GOVERNMENT
CODE § 6103]**

8 Attorneys for Defendants
9 CITY OF PALOS VERDES ESTATES and
10 CHIEF OF POLICE JEFF KEPLEY

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA; WESTERN DIVISION**

12 CORY SPENCER, an individual;
13 DIANA MILENA REED, an
14 individual; and COASTAL
15 PROTECTION RANGERS,
16 INC., a California non-profit
17 public benefit corporation,

16 Plaintiffs,

17 v.

18 LUNADA BAY BOYS; THE
19 INDIVIDUAL MEMBERS OF
20 THE LUNADA BAY BOYS,
21 including but not limited to
22 SANG LEE, BRANT
23 BLAKEMAN, ALAN
24 JOHNSTON aka JALIAN
25 JOHNSTON, MICHAEL RAE
26 PAPAYANS, ANGELO
27 FERRARA, FRANK FERRARA,
28 CHARLIE FERRARA and N.F.;
CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE
JEFF KEPLEY, in his
representative capacity; and
DOES 1-10,

Defendants.

Case No. 2:16-cv-02129-SJO-RAO

Assigned to District Judge:
Hon. S. James Otero; Courtroom: 10C
@ 350 W. First Street, L.A., CA 90012

Assigned Discovery:
Magistrate Judge: Hon. Rozella A. Oliver

**[Exempt From Filing Fees Pursuant To
Government Code § 6103]**

**DECLARATION OF JACOB SONG IN
SUPPORT OF CITY OF PALOS
VERDES ESTATES AND CHIEF OF
POLICE JEFF KEPLEY'S OPPOSITION
TO PLAINTIFFS' MOTION FOR
ADMINISTRATIVE RELIEF
PURSUANT TO FED. RULES OF CIVIL
PROCEDURE 56(d)**

[Filed concurrently with Opposition and
Declarations of Howard Liberman and
Christopher D. Glos]

Date: September 5, 2017
Time: 10:00 a.m.
Ctm.: 10C; Hon. S. JAMES OTERO

Complaint Filed: March 29, 2016
Trial: November 7, 2017

DECLARATION OF JACOB SONG

I, Jacob Song, declare as follows:

1. I am an associate with the law firm Kutak Rock, LLP, counsel of record for Defendants City of Palos Verdes Estates (the “City”) and Chief of Police Jeff Kepley (“Kepley”) in the above captioned action. I am a member in good standing of the State Bar of California. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would competently testify to such facts under oath.

2. The June 13, 2017 and June 23, 2017 meet-and-confer discussions referenced in the Wolff Declaration [Dkt. 398, ¶ 13] were limited to whether City Councilmember’s used their personal electronic devices for City business and, to the extent the devices were used for business purposes, whether the City was obligated to produce that ESI based on Plaintiffs’ overly broad discovery requests.

3. ESI from City-owned devices issued to Captain Tony Best; Officer Celia Williford; Detective Russel Venegas (2 phones); Watch Commander; Patrol 1; Patrol 2; Detective Charles Reed (2 phones); Corporal Greg Robinson; Administrator Linda Williams; Detective Sergeant Luke Hellinga; and Captain Mark Velez as well as ESI from the following City-owned cell phones used by City administration officials and employees: City Manager Tony Dahlerbruch; Deputy City Manager and Planning and Building Manager Sheri Repp Loadsman; Public Works Director Ken Rukavina; City Clerk Vickie Kroneberger; and Public Works staff members Joe Mendoza, Steve Beard, Alec Abrego, John Strum, and Pete Tepus was produced in or about June 2017, as Bates stamp numbers CITY6924-7086.

4. ESI from the City-owned cell phone used by Defendant Blakeman was requested by Plaintiffs on or about May 25, 2017. The City produced the ESI from the phone to Plaintiffs on June 1, 2017 as Bates stamp numbers CITY004844-CITY005025.

1 5. On March 30, 2017, the City served Responses to Plaintiffs' Second
2 Set of Interrogatories. A true and correct copy of the Responses to the Plaintiffs'
3 Second Set of Interrogatories is attached hereto as Exhibit A.

4 6. On July 25, 2017, Judge Oliver declined to hear Plaintiffs' additional
5 matter due to time constraints. She instructed the parties to meet and confer on
6 potential hearing dates for the following week – July 31 to August 4. Plaintiffs
7 never contacted the City to schedule a follow up hearing.

8 7. Plaintiffs never met and conferred with the City prior to filing the
9 August 7 motion.

10 8. Chief Kepley's personal cell phone ESI and other requested ESI was
11 produced in March 2017 in response to Plaintiffs' Second and Third Sets of
12 Requests for Production of Documents, as Bates stamped numbers CITY2316-
13 CITY4843.

14 I declare under penalty of perjury under the laws of the United States of
15 America that the foregoing is true and correct to the best of my knowledge.

16 Executed this 15th day of August 2017 at Irvine, California.

17
18 s/ *Jacob Song*
19 Jacob Song